



State of Wisconsin
2013 - 2014 LEGISLATURE

LRBb0326 P2
MPG&PJH:wlj:ph

LFB:.....Austin – 999 Pilot program for commercial bail bonds in certain counties

FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 40

13

Insert 1-2

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 336, line 13: after that line insert:

3) **SECTION 204m.** 20.165 (1) (gk) of the statutes is created to read:

4 20.165 (1) (gk) *Bail bond agents.* The amounts in the schedule for the
5 administration of bail bond agent licenses, bail bond agency licenses, and bail
6 recovery agent certifications under ss. 440.28 to 440.288. All moneys received from
7 fees collected under s. 440.282 (1) (d), (2) (c), and (4) (b) shall be credited to this
8 appropriation account.”.

9 **2.** Page 951, line 15: after that line insert:

10 **“SECTION 2179g.** 440.03 (13) (b) 12g. of the statutes is created to read:

1 440.03 (13) (b) 12g. Bail bond agent.

2 **SECTION 2179r.** 440.03 (13) (b) 12r. of the statutes is created to read:

3 440.03 (13) (b) 12r. Bail recovery agent.”.

4 **3.** Page 951, line 22: after that line insert:

5 “**SECTION 2183e.** 440.08 (2) (a) 15e. of the statutes is created to read:

6 440.08 (2) (a) 15e. Bail bond agency: December 1 of each odd-numbered year.

7 **SECTION 2183m.** 440.08 (2) (a) 15g. of the statutes is created to read:

8 440.08 (2) (a) 15g. Bail bond agent: December 1 of each even-numbered year.

9 **SECTION 2183s.** 440.08 (2) (a) 15j. of the statutes is created to read:

10 440.08 (2) (a) 15j. Bail recovery agent: September 1 of each even-numbered
11 year.”.

12 **4.** Page 952, line 1: after that line insert:

13 “**SECTION 2187c.** Subchapter II (title) of chapter 440 [precedes 440.26] of the
14 statutes is amended to read:

15 **CHAPTER 440**

16 **SUBCHAPTER II**

17 **PRIVATE DETECTIVES, PRIVATE**

18 **SECURITY PERSONS, BAIL BOND**

19 **AGENTS, AND BAIL RECOVERY AGENTS**

20 **SECTION 2187g.** 440.28 of the statutes is created to read:

21 **440.28 Definitions.** In this section and ss. 440.281 to 440.288:

22 (1) “Bail bond” means a bond executed under ch. 969.

23 (2) “Bail bond agency” means a business that is compensated to act as a surety
24 for a bail bond under ch. 969.

1 (3) “Bail bond agent” means an individual who is compensated to act as a surety
2 for a bail bond under ch. 969.

3 (4) “Bail recovery agent” means an individual who is compensated to locate,
4 apprehend, transport, or surrender a principal.

5 (5) “Business” means a sole proprietorship, partnership, limited liability
6 company, joint venture, or corporation.

7 (6) “Business representative” means an owner, officer, director, manager,
8 member, partner, or other agent of a business.

9 (7) “Certified bail recovery agent” means an individual who is certified under
10 s. 440.282 (3).

11 (8) “Law enforcement officer” has the meaning given in s.165.85 (2) (c).

12 (9) “Licensed agency” means a business that is licensed under s. 440.282 (2).

13 (10) “Licensed agent” means an individual who is licensed under s. 440.282 (1).

14 (11) “Principal” means a defendant who is released on a bail bond under ch.
15 969.

16 **SECTION 2187h.** 440.281 of the statutes is created to read:

17 **440.281 License or certification required.** (1) BAIL BOND AGENTS AND
18 AGENCIES. (a) No individual may act as a bail bond agent in this state unless the
19 individual is a licensed agent and the bail bond is underwritten by a surety company
20 authorized to do business in this state.

21 (b) No business may act as a bail bond agency in this state unless the business
22 is a licensed agency and the bail bond is underwritten by a surety company
23 authorized to do business in this state.

24 (c) A licensed agent or licensed agency may be compensated to act as a surety
25 for a bail bond under ch. 969 only in an action brought in Dane, Kenosha, Milwaukee,

1 Racine, or Waukesha county. This paragraph does not apply after the last day of the
2 60th month beginning after the effective date of this paragraph [LRB inserts
3 date].

4 (2) BAIL RECOVERY AGENTS. Except as provided in s. 440.288 (1) (c), no individual
5 may act as a bail recovery agent in this state unless the individual is a certified bail
6 recovery agent.

7 SECTION 2187i. 440.282 of the statutes is created to read:

8 **440.282 Licensure of bail bond agents and agencies; bail recovery**
9 **agent certification.** (1) BAIL BOND AGENTS. The department shall grant a
10 license to act as a bail bond agent to an individual if the department determines
11 that all of the following requirements are met:

12 (a) The individual submits an application for the license to the department
13 on a form prescribed by the department. The application shall include the
14 individual's name and address, a recent photograph of the individual, and any
15 other information required by the department by rule.

16 (b) The individual satisfies the education, training, and examination
17 requirements established by the department by rule.

18 (c) Subject to ss. 111.321, 111.322, and 111.335, the individual does not have
19 an arrest or conviction record.

20 (d) The individual pays an initial licensure fee of \$1,000.

21 (e) The individual satisfies any other requirements established by the
22 department by rule.

23 (2) BAIL BOND AGENCIES. The department shall grant a license to act as a
24 bail bond agency to a business if the department determines that all of the
25 following requirements are met:

1 (a) The business submits an application to the department on a form
2 prescribed by the department. The application shall include the business's name
3 and address, the name and addresses of the business representatives of the
4 business and any bail bond agents who are employed by the business, and any
5 other information required by the department by rule.

6 (b) The business has at least one business representative who is a licensed
7 agent.

8 (c) The business pays the initial credential fee of \$1,000.

9 (d) The business satisfies any other requirements established by the
10 department by rule.

11 **(3) BAIL RECOVERY AGENTS.** The department shall grant a certification to act
12 as a bail recovery agent to an individual if the department determines that all of
13 the following requirements are met:

14 (a) The individual submits an application for certification to the department
15 on a form prescribed by the department. The application shall include the
16 individual's name and address, a recent photograph of the individual, and any
17 other information required by the department by rule.

18 (b) The individual is a private detective who is licensed under s. 440.26 (2)
19 (a) 2.

20 (c) The individual satisfies the education, training, and examination
21 requirements established by the department by rule.

22 (d) Subject to ss. 111.321, 111.322, and 111.335, the individual does not have
23 an arrest or conviction record.

24 (e) The individual satisfies any other requirements established by the
25 department by rule.

1 (4) RENEWAL. (a) The renewal dates for licenses granted under subs. (1) and
2 (2) and certifications granted under sub. (3) are specified in s. 440.08 (2) (a) 15e.,
3 15g., and 15j. A renewal application shall be submitted to the department on a
4 form prescribed by the department and shall include any information required by
5 the department by rule.

6 (b) The renewal application for a licensed agent or a licensed agency shall
7 include a renewal fee of \$1,000.

8 **SECTION 2187j.** 440.283 of the statutes is created to read:

9 **440.283 Information concerning licensed agents, licensed agencies,**
10 **and certified bail recovery agents. (1) REGISTER.** The department shall
11 compile and keep current a register of the names and addresses of all licensed
12 agents, licensed agencies, and certified bail recovery agents. The department
13 shall make that register available for public inspection during the times specified
14 in s. 230.35 (4) (a). The department may also make the register available to the
15 public on an Internet site maintained by the department.

16 **(2) REGISTER PROVIDED TO COURT CLERKS.** Annually, the department shall
17 provide a complete copy of the register kept under sub. (1) to the clerk of circuit
18 court in each county.

19 **(3) NOTICE OF DISCIPLINARY ACTION.** The department shall promptly notify
20 the clerk of circuit court in each county concerning any action taken by the
21 department under s. 440.287 (2) against a licensed agent, licensed agency, or
22 certified bail recovery agent.

23 **SECTION 2187k.** 440.284 of the statutes is created to read:

24 **440.284 Bond or liability policy required. (1) LICENSED AGENCIES.** Each
25 licensed agency shall file with the department a bond or liability policy, approved

1 by the department, in an amount determined by the department by rule that
2 covers all licensed agents of the agency.

3 (2) LICENSED AGENTS. Each licensed agent who is not included under a bond
4 or liability policy under sub. (1) shall file with the department a bond or liability
5 policy, approved by the department, in an amount determined by the department
6 by rule.

7 **SECTION 2187L.** 440.285 of the statutes is created to read:

8 **440.285 Restriction on business referrals.** (1) No licensed agent,
9 licensed agency, or certified bail recovery agent, and no agent or employee of a
10 licensed agent, licensed agency, or certified bail recovery agent, may, in the course
11 of its business, suggest in any manner that a principal or prospective principal
12 contact or engage the services of any attorney or law firm.

13 (2) No law enforcement officer or other employee of the state or of a city,
14 village, town, or county may suggest in any manner that a defendant contact or
15 engage the services of any bail bond agent or bail bond agency.

16 **SECTION 2187m.** 440.286 of the statutes is created to read:

17 **440.286 Advisory committee.** (1) The department shall establish and,
18 except as provided under sub. (2) (a) 5., appoint an advisory committee under s.
19 440.042 to advise the department on matters relating to the regulation of bail
20 bond agents, bail bond agencies, and bail recovery agents.

21 (2) (a) The committee shall consist of the following 7 members:

- 22 1. One private criminal defense attorney licensed to practice law in this state.
23 2. One current or former law enforcement officer.
24 3. One current or former judge for the circuit court of any county in this state.

1 4. One member of the public who is a resident of this state and who is not a
2 current or former law enforcement officer.

3 5. One member of the state legislature, who, notwithstanding s. 440.042 (1),
4 shall be nominated by the governor and appointed with the advice and consent of the
5 senate.

6 6. Two representatives of the bail bond industry in this state.

7 (b) The members of the committee shall be appointed for 3-year terms. No
8 member may serve more than 2 consecutive terms.

9 **SECTION 2187n.** 440.287 of the statutes is created to read:

10 **440.287 Disciplinary proceedings and actions. (1) INVESTIGATIONS**
11 AND HEARINGS. Subject to the rules promulgated under s. 440.03 (1), the
12 department may conduct investigations and hearings to determine whether a
13 violation of ss. 440.281 to 440.285 or any rule promulgated under s. 440.288 or a
14 violation of any other law of this state, law of another state, or federal law that
15 substantially relates to the activity of a bail bond agent, bail bond agency, or bail
16 recovery agent has occurred.

17 **(2) PENALTIES.** (a) Subject to the rules promulgated under s. 440.03 (1), the
18 department may reprimand a licensed agent, licensed agency, or certified bail
19 recovery agent or deny, limit, suspend, or revoke a license or certification granted
20 under s. 440.282 if the department finds that an applicant for licensure or
21 certification, a licensed agent, licensed agency, or certified bail recovery agent has
22 done any of the following:

23 1. Intentionally made a material misstatement in an application for a
24 license or license renewal or a certification or certification renewal.

25 2. Advertised in a manner that is false or misleading.

1 3. Obtained or attempted to obtain compensation through fraud or deceit.

2 4. Violated ss. 440.281 to 440.285 or any rule promulgated under s. 440.288
3 or violated any other law of this state, law of another state, or federal law that
4 substantially relates to the activity of a bail bond agent, bail bond agency, or bail
5 recovery agent.

6 5. Engaged in unprofessional conduct.

7 (b) In addition to or in lieu of a reprimand or other action under par. (a), the
8 department may establish by rule other penalties, including a forfeiture not to
9 exceed \$5,000 for each violation, for a violation under par. (a).

10 **SECTION 2187o.** 440.288 of the statutes is created to read:

11 **440.288 Rules. (1)** The department shall promulgate rules necessary to
12 administer ss. 440.28 to 440.287, including rules that do all of the following:

13 (a) Establish photograph identification requirements for licensed agents and
14 certified bail recovery agents.

15 (b) Establish rules of conduct for licensed agents, licensed agencies, and
16 certified bail recovery agents, including rules that do all of the following:

17 1. Prohibit the use or display of badges, shields, or any other similar images
18 or items normally associated with law enforcement officers.

19 2. Require contact with appropriate local law enforcement officers or other
20 officials before an attempt is made to apprehend a principal.

21 3. Establish other requirements concerning the location, apprehension,
22 transportation, and surrender of principals.

23 (c) Establish procedures for the temporary certification in this state of bail
24 recovery agents from other states. The department may enter into reciprocal

1 agreements with other states concerning the activities of bail bond agents, bail
2 bond agencies, and bail recovery agents in the respective states.

3 (d) Establish education, training, examination, and other requirements for
4 the initial licensure of bail bond agents and the initial certification of bail
5 recovery agents and establish continuing education, training, and other
6 requirements for the renewal of those licenses and certifications.

7 (2) In promulgating rules under this section, the department shall consult
8 federal law and the laws of other states concerning the licensure requirements that
9 exist under those laws for bail bond agents, bail bond agencies, and bail recovery
10 agents. The department shall attempt to make the requirements it establishes in
11 rules promulgated under this section consistent with those laws.”.

12 **5.** Page 979, line 9: after that line insert:

13 “**SECTION 2265m.** 628.02 (1) (b) 10. of the statutes is created to read:

14 628.02 (1) (b) 10. A person who is licensed under s. 440.282 (1) or (2) and is
15 acting within the scope of that license.”.

16 **6.** Page 988, line 1: before that line insert:

17 “**SECTION 2285m.** 814.605 of the statutes is created to read:

18 **814.605 Criminal actions; bail bond fees.** Whenever a person who is
19 released under s. 969.02 or 969.03 uses a surety that is a bail bond agent or bail bond
20 agency that is licensed under s. 440.282 (1) or (2), the bail bond agent or bail bond
21 agency that posted the bond shall, at the time the bail bond is posted, pay to the clerk
22 of circuit court a fee equal to 3 percent of the bail bond amount. The clerk of circuit
23 court shall retain the fee paid under this section for the use of the county.”.

24 **7.** Page 1004, line 17: after that line insert:

1 **“SECTION 2342c.** 969.02 (2) of the statutes is amended to read:

2 969.02 (2) In lieu of release pursuant to sub. (1), the judge may require the
3 execution of an appearance bond with sufficient solvent sureties, or the deposit of
4 cash in lieu of sureties. If the judge requires the execution of an appearance bond
5 under this subsection, he or she shall determine whether the bond may be posted by
6 a bail bond agent or bail bond agency that is licensed under s. 440.282 (1) or (2). If
7 the judge requires a deposit of cash in lieu of sureties, the person making the cash
8 deposit shall be given written notice of the requirements of sub. (6).

9 **SECTION 2342g.** 969.03 (1) (d) of the statutes is amended to read:

10 969.03 (1) (d) Require the execution of an appearance bond with sufficient
11 solvent sureties, or the deposit of cash in lieu of sureties. If the judge requires the
12 execution of an appearance bond under this paragraph, he or she shall determine
13 whether the bond may be posted by a bail bond agent or bail bond agency that is
14 licensed under s. 440.282 (1) or (2). If the judge requires a deposit of cash in lieu of
15 sureties, the person making the cash deposit shall be given written notice of the
16 requirements of sub. (4).

17 **SECTION 2342n.** 969.12 (1) of the statutes is repealed.

18 **SECTION 2342r.** 969.12 (2) of the statutes is amended to read:

19 969.12 (2) A surety under this chapter shall be a natural person, ~~except who~~
20 is a resident of this state or a surety under s. 345.61 or, subject to s. 969.02 (2) or
21 969.03 (1) (d), a bail bond agent or bail bond agency that is licensed under s. 440.282
22 (1) or (2). No surety under ~~this chapter~~ may be compensated for acting as such a
23 surety, except that a bail bond agent or bail bond agency that is licensed under s.
24 440.282 (1) or (2) shall be compensated at a rate of 10 percent of the amount of the
25 bond set.

1 **SECTION 2342w.** 969.15 of the statutes is created to read:

2 **969.15 Pretrial release; reports.** (1) The director of state courts shall create
3 and make available to the clerks of court in Dane, Kenosha, Milwaukee, Racine, and
4 Waukesha counties forms for reporting under this section and shall prescribe a
5 schedule for the clerks of court to return the completed forms. The director of state
6 courts shall require, at a minimum, annual reports from the clerks of the counties.

7 (2) The clerks of court in Dane, Kenosha, Milwaukee, Racine, and Waukesha
8 counties shall, using the forms provided by the director of state courts and according
9 to the schedule prescribed by the director of state courts, provide the following
10 information to the director of state courts:

11 (a) The number of persons charged in the county released pursuant to s. 969.02
12 (1).

13 (b) The number of persons charged in the county released pursuant to s. 969.02
14 (2) and the amount of the appearance bond required. For each person released
15 pursuant to s. 969.02 (2) who used a surety, whether the surety is a natural person,
16 a surety under s. 345.61, or a bail bond agent or bail bond agency that is licensed
17 under s. 440.282 (1) or (2).

18 (c) The number of persons charged in the county released pursuant to s. 969.03
19 (1) without bail or upon the execution of an unsecured appearance bond.

20 (d) The number of persons charged in the county released pursuant to s. 969.03
21 (1) upon the execution of an appearance bond under s. 969.03 (1) (d), and the amount
22 of the appearance bond required. For each person released pursuant to s. 969.03 (1)
23 upon the execution of an appearance bond under s. 969.03 (1) (d) who used a surety,
24 whether the surety is a natural person, a surety under s. 345.61, or a bail bond agent
25 or bail bond agency that is licensed under s. 440.282 (1) or (2).

1 (e) The number of court orders entered under s. 969.13 (1) because a person
2 failed to make a required court appearance and, for each order counted under this
3 paragraph, whether the person who forfeited bail had used a surety who is a natural
4 person, a surety under s. 345.61, or a bail bond agent or bail agency that is licensed
5 under s. 440.282 (1) or (2).

6 (f) The amounts of bail forfeited and subsequently collected and a description
7 of how the collected amounts were allocated by the clerk of courts and the county
8 treasurer.

9 (g) The amounts of bail forfeited and not collected.

10 (h) The disposition of the case against every person subject to an order counted
11 under par. (e), including a statement as to whether, when, and by whom the person
12 was located after he or she failed to make a required court appearance.

13 (i) A statement as to the time and cost expended by the county to locate a person
14 subject to an order counted under par. (e).

15 (3) The director of state courts shall, no later than 4 years and 4 months after
16 the effective date of this subsection [LRB inserts date], submit to the chief clerk
17 of each house of the legislature, for distribution to the legislature under s. 13.172 (2),
18 a report summarizing the reports prepared by the clerks of court pursuant to sub.
19 (2).”.

20 **8.** Page 1029, line 23: after that line insert:

21 “(1i) EMERGENCY RULES FOR REGULATION OF COMMERCIAL BAIL BONDS. Using the
22 procedure under section 227.24 of the statutes, the department of safety and
23 professional services may promulgate the rules required or otherwise authorized
24 under sections 440.28 to 440.288 of the statutes, as created by this act, for the period

1 before the permanent rules become effective, but not to exceed the period authorized
2 under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24
3 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide
4 evidence that promulgating a rule under this subsection as an emergency rule is
5 necessary for the preservation of the public peace, health, safety, or welfare and is
6 not required to provide a finding of emergency for the rules promulgated under this
7 subsection.”.

8 **9.** Page 1078, line 23: after that line insert:

9 “(1i) REGULATION OF COMMERCIAL BAIL BONDS. The treatment of sections 20.165
10 (1) (gk), 440.03 (13) (b) 12g. and 12r., 440.08 (2) (a) 15e., 15g., and 15j., 440.28,
11 440.281, 440.282, 440.283, 440.284, 440.285, 440.286, 440.287, 440.288, 628.02 (1)
12 (b) 10., 814.605, 969.02 (2), 969.03 (1) (d), 969.12 (1) and (2), and 969.15 and
13 subchapter II (title) of chapter 440 of the statutes takes effect on the first day of the
14 7th month beginning after publication.”.

15 (END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0326/P3ins
MPG:wlj:ph

1 INSERT 1-2

2 ✓ "SECTION 204j. 20.165 (1) (g) ^X of the statutes is amended to read:

3 20.165 (1) (g) *General program operations.* The amounts in the schedule for
4 the licensing, rule making, and regulatory functions of the department, other than
5 the licensing, rule-making, and credentialing functions of the medical examining
6 board and the affiliated credentialing boards attached to the medical examining
7 board and except for preparing, administering, and grading examinations. Ninety
8 percent of all moneys received under chs. 440 to 480, except ch. 448, and ss. 440.03
9 (13), 440.05 (1) (b), 440.282 (1) (d), (2) (c), and (4) (b), and 446.02 (3) (a), less \$10 of
10 each renewal fee received under s. 452.12 (5), and; all moneys transferred from the
11 appropriation under par. (i); and all moneys received under s. 440.055 (2), shall be
12 credited to this appropriation. ✓

History: 1971 c. 125; 1973 c. 90, 156, 333; 1975 c. 39; 1977 c. 29, 400, 418; 1979 c. 34; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20; 1983 a. 27; 1985 a. 29; 1989 a. 31, 307; 1991 a. 167, 269, 315; 1993 a. 16, 102, 490; 1995 a. 27, 461; 1997 a. 27; 1999 a. 9; 2001 a. 16; 2007 a. 20; 2009 a. 28, 111; 2011 a. 32 ss. 447 to 476, 478, 480 to 484, 486 to 488, 494 to 495; 2011 a. 146.

13 END INSERT 1-2



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBb0326/P3
MPG&PJH:wlj&jld:rs

LFB:.....Austin – 999 Pilot program for commercial bail bonds in certain counties

**FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 40**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 336, line 13: after that line insert:

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7 board and the affiliated credentialing boards attached to the medical examining
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9 percent of all moneys received under chs. 440 to 480, except ch. 448, and ss. 440.03
10 (13), 440.05 (1) (b), 440.282 (1) (d), (2) (c), and (4) (b), and 446.02 (3) (a), less \$10 of
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1 appropriation under par. (i); and all moneys received under s. 440.055 (2), shall be
2 credited to this appropriation.

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4 20.165 (1) (gk) *Bail bond agents.* The amounts in the schedule for the
5 administration of bail bond agent licenses, bail bond agency licenses, and bail
6 recovery agent certifications under ss. 440.28 to 440.288. All moneys received from
7 fees collected under s. 440.282 (1) (d), (2) (c), and (4) (b) shall be credited to this
8 appropriation account.”.

9 **2.** Page 951, line 15: after that line insert:

10 “**SECTION 2179g.** 440.03 (13) (b) 12g. of the statutes is created to read:

11 440.03 (13) (b) 12g. Bail bond agent.

12 **SECTION 2179r.** 440.03 (13) (b) 12r. of the statutes is created to read:

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14 **3.** Page 951, line 22: after that line insert:

15 “**SECTION 2183e.** 440.08 (2) (a) 15e. of the statutes is created to read:

16 440.08 (2) (a) 15e. Bail bond agency: December 1 of each odd-numbered year.

17 **SECTION 2183m.** 440.08 (2) (a) 15g. of the statutes is created to read:

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19 **SECTION 2183s.** 440.08 (2) (a) 15j. of the statutes is created to read:

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21 year.”.

22 **4.** Page 952, line 1: after that line insert:

23 “**SECTION 2187c.** Subchapter II (title) of chapter 440 [precedes 440.26] of the
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1 **CHAPTER 440**

2 SUBCHAPTER II

3 PRIVATE DETECTIVES, PRIVATE

4 SECURITY PERSONS, BAIL BOND

5 AGENTS, AND BAIL RECOVERY AGENTS

6 **SECTION 2187g.** 440.28 of the statutes is created to read:

7 **440.28 Definitions.** In this section and ss. 440.281 to 440.288:

8 (1) “Bail bond” means a bond executed under ch. 969.

9 (2) “Bail bond agency” means a business that is compensated to act as a surety
10 for a bail bond under ch. 969.

11 (3) “Bail bond agent” means an individual who is compensated to act as a surety
12 for a bail bond under ch. 969.

13 (4) “Bail recovery agent” means an individual who is compensated to locate,
14 apprehend, transport, or surrender a principal.

15 (5) “Business” means a sole proprietorship, partnership, limited liability
16 company, joint venture, or corporation.

17 (6) “Business representative” means an owner, officer, director, manager,
18 member, partner, or other agent of a business.

19 (7) “Certified bail recovery agent” means an individual who is certified under
20 s. 440.282 (3).

21 (8) “Law enforcement officer” has the meaning given in s.165.85 (2) (c).

22 (9) “Licensed agency” means a business that is licensed under s. 440.282 (2).

23 (10) “Licensed agent” means an individual who is licensed under s. 440.282 (1).

24 (11) “Principal” means a defendant who is released on a bail bond under ch.
25 969.

1 **SECTION 2187h.** 440.281 of the statutes is created to read:

2 **440.281 License or certification required. (1) BAIL BOND AGENTS AND**
3 AGENCIES. (a) No individual may act as a bail bond agent in this state unless the
4 individual is a licensed agent and the bail bond is underwritten by a surety company
5 authorized to do business in this state.

6 (b) No business may act as a bail bond agency in this state unless the business
7 is a licensed agency and the bail bond is underwritten by a surety company
8 authorized to do business in this state.

9 (c) A licensed agent or licensed agency may be compensated to act as a surety
10 for a bail bond under ch. 969 only in an action brought in Dane, Kenosha, Milwaukee,
11 Racine, or Waukesha county. This paragraph does not apply after the last day of the
12 60th month beginning after the effective date of this paragraph [LRB inserts
13 date].

14 **(2) BAIL RECOVERY AGENTS.** Except as provided in s. 440.288 (1) (c), no individual
15 may act as a bail recovery agent in this state unless the individual is a certified bail
16 recovery agent.

17 **SECTION 2187i.** 440.282 of the statutes is created to read:

18 **440.282 Licensure of bail bond agents and agencies; bail recovery**
19 **agent certification. (1) BAIL BOND AGENTS.** The department shall grant a
20 license to act as a bail bond agent to an individual if the department determines
21 that all of the following requirements are met:

22 (a) The individual submits an application for the license to the department
23 on a form prescribed by the department. The application shall include the
24 individual's name and address, a recent photograph of the individual, and any
25 other information required by the department by rule.

1 (b) The individual satisfies the education, training, and examination
2 requirements established by the department by rule.

3 (c) Subject to ss. 111.321, 111.322, and 111.335, the individual does not have
4 an arrest or conviction record.

5 (d) The individual pays an initial licensure fee of \$1,000.

6 (e) The individual satisfies any other requirements established by the
7 department by rule.

8 **(2) BAIL BOND AGENCIES.** The department shall grant a license to act as a
9 bail bond agency to a business if the department determines that all of the
10 following requirements are met:

11 (a) The business submits an application to the department on a form
12 prescribed by the department. The application shall include the business's name
13 and address, the name and addresses of the business representatives of the
14 business and any bail bond agents who are employed by the business, and any
15 other information required by the department by rule.

16 (b) The business has at least one business representative who is a licensed
17 agent.

18 (c) The business pays the initial credential fee of \$1,000.

19 (d) The business satisfies any other requirements established by the
20 department by rule.

21 **(3) BAIL RECOVERY AGENTS.** The department shall grant a certification to act
22 as a bail recovery agent to an individual if the department determines that all of
23 the following requirements are met:

24 (a) The individual submits an application for certification to the department
25 on a form prescribed by the department. The application shall include the

1 individual's name and address, a recent photograph of the individual, and any
2 other information required by the department by rule.

3 (b) The individual is a private detective who is licensed under s. 440.26 (2)
4 (a) 2.

5 (c) The individual satisfies the education, training, and examination
6 requirements established by the department by rule.

7 (d) Subject to ss. 111.321, 111.322, and 111.335, the individual does not have
8 an arrest or conviction record.

9 (e) The individual satisfies any other requirements established by the
10 department by rule.

11 (4) RENEWAL. (a) The renewal dates for licenses granted under subs. (1) and
12 (2) and certifications granted under sub. (3) are specified in s. 440.08 (2) (a) 15e.,
13 15g., and 15j. A renewal application shall be submitted to the department on a
14 form prescribed by the department and shall include any information required by
15 the department by rule.

16 (b) The renewal application for a licensed agent or a licensed agency shall
17 include a renewal fee of \$1,000.

18 **SECTION 2187j.** 440.283 of the statutes is created to read:

19 **440.283 Information concerning licensed agents, licensed agencies,**
20 **and certified bail recovery agents.** (1) REGISTER. The department shall
21 compile and keep current a register of the names and addresses of all licensed
22 agents, licensed agencies, and certified bail recovery agents. The department
23 shall make that register available for public inspection during the times specified
24 in s. 230.35 (4) (a). The department may also make the register available to the
25 public on an Internet site maintained by the department.

1 **(2) REGISTER PROVIDED TO COURT CLERKS.** Annually, the department shall
2 provide a complete copy of the register kept under sub. (1) to the clerk of circuit
3 court in each county.

4 **(3) NOTICE OF DISCIPLINARY ACTION.** The department shall promptly notify
5 the clerk of circuit court in each county concerning any action taken by the
6 department under s. 440.287 (2) against a licensed agent, licensed agency, or
7 certified bail recovery agent.

8 **SECTION 2187k.** 440.284 of the statutes is created to read:

9 **440.284 Bond or liability policy required. (1) LICENSED AGENCIES.** Each
10 licensed agency shall file with the department a bond or liability policy, approved
11 by the department, in an amount determined by the department by rule that
12 covers all licensed agents of the agency.

13 **(2) LICENSED AGENTS.** Each licensed agent who is not included under a bond
14 or liability policy under sub. (1) shall file with the department a bond or liability
15 policy, approved by the department, in an amount determined by the department
16 by rule.

17 **SECTION 2187L.** 440.285 of the statutes is created to read:

18 **440.285 Restriction on business referrals. (1)** No licensed agent,
19 licensed agency, or certified bail recovery agent, and no agent or employee of a
20 licensed agent, licensed agency, or certified bail recovery agent, may, in the course
21 of its business, suggest in any manner that a principal or prospective principal
22 contact or engage the services of any attorney or law firm.

23 **(2)** No law enforcement officer or other employee of the state or of a city,
24 village, town, or county may suggest in any manner that a defendant contact or
25 engage the services of any bail bond agent or bail bond agency.

1 **SECTION 2187m.** 440.286 of the statutes is created to read:

2 **440.286 Advisory committee.** (1) The department shall establish and,
3 except as provided under sub. (2) (a) 5., appoint an advisory committee under s.
4 440.042 to advise the department on matters relating to the regulation of bail
5 bond agents, bail bond agencies, and bail recovery agents.

6 (2) (a) The committee shall consist of the following 7 members:

- 7 1. One private criminal defense attorney licensed to practice law in this state.
8 2. One current or former law enforcement officer.
9 3. One current or former judge for the circuit court of any county in this state.
10 4. One member of the public who is a resident of this state and who is not a
11 current or former law enforcement officer.
12 5. One member of the state legislature, who, notwithstanding s. 440.042 (1),
13 shall be nominated by the governor and appointed with the advice and consent of the
14 senate.
15 6. Two representatives of the bail bond industry in this state.

16 (b) The members of the committee shall be appointed for 3-year terms. No
17 member may serve more than 2 consecutive terms.

18 **SECTION 2187n.** 440.287 of the statutes is created to read:

19 **440.287 Disciplinary proceedings and actions.** (1) INVESTIGATIONS
20 AND HEARINGS. Subject to the rules promulgated under s. 440.03 (1), the
21 department may conduct investigations and hearings to determine whether a
22 violation of ss. 440.281 to 440.285 or any rule promulgated under s. 440.288 or a
23 violation of any other law of this state, law of another state, or federal law that
24 substantially relates to the activity of a bail bond agent, bail bond agency, or bail
25 recovery agent has occurred.

1 (2) PENALTIES. (a) Subject to the rules promulgated under s. 440.03 (1), the
2 department may reprimand a licensed agent, licensed agency, or certified bail
3 recovery agent or deny, limit, suspend, or revoke a license or certification granted
4 under s. 440.282 if the department finds that an applicant for licensure or
5 certification, a licensed agent, licensed agency, or certified bail recovery agent has
6 done any of the following:

7 1. Intentionally made a material misstatement in an application for a
8 license or license renewal or a certification or certification renewal.

9 2. Advertised in a manner that is false or misleading.

10 3. Obtained or attempted to obtain compensation through fraud or deceit.

11 4. Violated ss. 440.281 to 440.285 or any rule promulgated under s. 440.288
12 or violated any other law of this state, law of another state, or federal law that
13 substantially relates to the activity of a bail bond agent, bail bond agency, or bail
14 recovery agent.

15 5. Engaged in unprofessional conduct.

16 (b) In addition to or in lieu of a reprimand or other action under par. (a), the
17 department may establish by rule other penalties, including a forfeiture not to
18 exceed \$5,000 for each violation, for a violation under par. (a).

19 **SECTION 2187o.** 440.288 of the statutes is created to read:

20 **440.288 Rules.** (1) The department shall promulgate rules necessary to
21 administer ss. 440.28 to 440.287, including rules that do all of the following:

22 (a) Establish photograph identification requirements for licensed agents and
23 certified bail recovery agents.

24 (b) Establish rules of conduct for licensed agents, licensed agencies, and
25 certified bail recovery agents, including rules that do all of the following:

1 1. Prohibit the use or display of badges, shields, or any other similar images
2 or items normally associated with law enforcement officers.

3 2. Require contact with appropriate local law enforcement officers or other
4 officials before an attempt is made to apprehend a principal.

5 3. Establish other requirements concerning the location, apprehension,
6 transportation, and surrender of principals.

7 (c) Establish procedures for the temporary certification in this state of bail
8 recovery agents from other states. The department may enter into reciprocal
9 agreements with other states concerning the activities of bail bond agents, bail
10 bond agencies, and bail recovery agents in the respective states.

11 (d) Establish education, training, examination, and other requirements for
12 the initial licensure of bail bond agents and the initial certification of bail
13 recovery agents and establish continuing education, training, and other
14 requirements for the renewal of those licenses and certifications.

15 (2) In promulgating rules under this section, the department shall consult
16 federal law and the laws of other states concerning the licensure requirements that
17 exist under those laws for bail bond agents, bail bond agencies, and bail recovery
18 agents. The department shall attempt to make the requirements it establishes in
19 rules promulgated under this section consistent with those laws.”.

20 **5.** Page 979, line 9: after that line insert:

21 “**SECTION 2265m.** 628.02 (1) (b) 10. of the statutes is created to read:

22 628.02 (1) (b) 10. A person who is licensed under s. 440.282 (1) or (2) and is
23 acting within the scope of that license.”.

24 **6.** Page 988, line 1: before that line insert:

1 “SECTION 2285m. 814.605 of the statutes is created to read:

2 **814.605 Criminal actions; bail bond fees.** Whenever a person who is
3 released under s. 969.02 or 969.03 uses a surety that is a bail bond agent or bail bond
4 agency that is licensed under s. 440.282 (1) or (2), the bail bond agent or bail bond
5 agency that posted the bond shall, at the time the bail bond is posted, pay to the clerk
6 of circuit court a fee equal to 3 percent of the bail bond amount. The clerk of circuit
7 court shall retain the fee paid under this section for the use of the county.”.

8 **7.** Page 1004, line 17: after that line insert:

9 “SECTION 2342c. 969.02 (2) of the statutes is amended to read:

10 969.02 (2) In lieu of release pursuant to sub. (1), the judge may require the
11 execution of an appearance bond with sufficient solvent sureties, or the deposit of
12 cash in lieu of sureties. If the judge requires the execution of an appearance bond
13 under this subsection, he or she shall determine whether the bond may be posted by
14 a bail bond agent or bail bond agency that is licensed under s. 440.282 (1) or (2). If
15 the judge requires a deposit of cash in lieu of sureties, the person making the cash
16 deposit shall be given written notice of the requirements of sub. (6).

17 **SECTION 2342g.** 969.03 (1) (d) of the statutes is amended to read:

18 969.03 (1) (d) Require the execution of an appearance bond with sufficient
19 solvent sureties, or the deposit of cash in lieu of sureties. If the judge requires the
20 execution of an appearance bond under this paragraph, he or she shall determine
21 whether the bond may be posted by a bail bond agent or bail bond agency that is
22 licensed under s. 440.282 (1) or (2). If the judge requires a deposit of cash in lieu of
23 sureties, the person making the cash deposit shall be given written notice of the
24 requirements of sub. (4).

1 **SECTION 2342n.** 969.12 (1) of the statutes is repealed.

2 **SECTION 2342r.** 969.12 (2) of the statutes is amended to read:

3 969.12 (2) A surety under this chapter shall be a natural person, ~~except who~~
4 is a resident of this state or a surety under s. 345.61 or, subject to s. 969.02 (2) or
5 969.03 (1) (d), a bail bond agent or bail bond agency that is licensed under s. 440.282
6 (1) or (2). No surety ~~under this chapter~~ may be compensated for acting as such a
7 surety, except that a bail bond agent or bail bond agency that is licensed under s.
8 440.282 (1) or (2) shall be compensated at a rate of 10 percent of the amount of the
9 bond set.

10 **SECTION 2342w.** 969.15 of the statutes is created to read:

11 **969.15 Pretrial release; reports.** (1) The director of state courts shall create
12 and make available to the clerks of court in Dane, Kenosha, Milwaukee, Racine, and
13 Waukesha counties forms for reporting under this section and shall prescribe a
14 schedule for the clerks of court to return the completed forms. The director of state
15 courts shall require, at a minimum, annual reports from the clerks of the counties.

16 (2) The clerks of court in Dane, Kenosha, Milwaukee, Racine, and Waukesha
17 counties shall, using the forms provided by the director of state courts and according
18 to the schedule prescribed by the director of state courts, provide the following
19 information to the director of state courts:

20 (a) The number of persons charged in the county released pursuant to s. 969.02
21 (1).

22 (b) The number of persons charged in the county released pursuant to s. 969.02
23 (2) and the amount of the appearance bond required. For each person released
24 pursuant to s. 969.02 (2) who used a surety, whether the surety is a natural person,

1 a surety under s. 345.61, or a bail bond agent or bail bond agency that is licensed
2 under s. 440.282 (1) or (2).

3 (c) The number of persons charged in the county released pursuant to s. 969.03
4 (1) without bail or upon the execution of an unsecured appearance bond.

5 (d) The number of persons charged in the county released pursuant to s. 969.03
6 (1) upon the execution of an appearance bond under s. 969.03 (1) (d), and the amount
7 of the appearance bond required. For each person released pursuant to s. 969.03 (1)
8 upon the execution of an appearance bond under s. 969.03 (1) (d) who used a surety,
9 whether the surety is a natural person, a surety under s. 345.61, or a bail bond agent
10 or bail bond agency that is licensed under s. 440.282 (1) or (2).

11 (e) The number of court orders entered under s. 969.13 (1) because a person
12 failed to make a required court appearance and, for each order counted under this
13 paragraph, whether the person who forfeited bail had used a surety who is a natural
14 person, a surety under s. 345.61, or a bail bond agent or bail agency that is licensed
15 under s. 440.282 (1) or (2).

16 (f) The amounts of bail forfeited and subsequently collected and a description
17 of how the collected amounts were allocated by the clerk of courts and the county
18 treasurer.

19 (g) The amounts of bail forfeited and not collected.

20 (h) The disposition of the case against every person subject to an order counted
21 under par. (e), including a statement as to whether, when, and by whom the person
22 was located after he or she failed to make a required court appearance.

23 (i) A statement as to the time and cost expended by the county to locate a person
24 subject to an order counted under par. (e).

1 **(3)** The director of state courts shall, no later than 4 years and 4 months after
2 the effective date of this subsection [LRB inserts date], submit to the chief clerk
3 of each house of the legislature, for distribution to the legislature under s. 13.172 (2),
4 a report summarizing the reports prepared by the clerks of court pursuant to sub.
5 (2).”.

6 **8.** Page 1029, line 23: after that line insert:

7 “(1i) EMERGENCY RULES FOR REGULATION OF COMMERCIAL BAIL BONDS. Using the
8 procedure under section 227.24 of the statutes, the department of safety and
9 professional services may promulgate the rules required or otherwise authorized
10 under sections 440.28 to 440.288 of the statutes, as created by this act, for the period
11 before the permanent rules become effective, but not to exceed the period authorized
12 under section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24
13 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide
14 evidence that promulgating a rule under this subsection as an emergency rule is
15 necessary for the preservation of the public peace, health, safety, or welfare and is
16 not required to provide a finding of emergency for the rules promulgated under this
17 subsection.”.

18 **9.** Page 1078, line 23: after that line insert:

19 “(1i) REGULATION OF COMMERCIAL BAIL BONDS. The treatment of sections 20.165
20 (1) (gk), 440.03 (13) (b) 12g. and 12r., 440.08 (2) (a) 15e., 15g., and 15j., 440.28,
21 440.281, 440.282, 440.283, 440.284, 440.285, 440.286, 440.287, 440.288, 628.02 (1)
22 (b) 10., 814.605, 969.02 (2), 969.03 (1) (d), 969.12 (1) and (2), and 969.15 and

1 subchapter II (title) of chapter 440 of the statutes takes effect on the first day of the
2 7th month beginning after publication.”.

3 (END)